

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JEFFREY S. AMICK,

Plaintiff,

v.

JOHN CARTER, et al.,

Defendants.

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No. 4:20-CV-0094 RLW

MEMORANDUM AND ORDER

This matter comes before the Court on its own motion. On June 23, 2020, the Court directed plaintiff to file an amended complaint within thirty days. (Docket No. 3). Plaintiff has failed to comply. Therefore, for the reasons discussed below, this action will be dismissed without prejudice. *See* Fed. R. Civ. P. 41(b).

Background

Plaintiff is a self-represented litigant who filed this civil action on January 21, 2020. He named the following defendants: John Carter; Eric Fogleman; Brian Ketcherside; the City of St. Louis Electrical Permit and Inspection Division; Barb Potts; John Does #1-3; the City of St. Louis Towing Division; Joe Unknown; and Southwestern Electric. The complaint was ninety-six pages long, including attachments. In the “Statement of Claim,” plaintiff alleged that the defendants took various actions that kept him from using and improving a property he owned in St. Louis, Missouri.

Because plaintiff was proceeding in forma pauperis, the Court reviewed his complaint pursuant to 28 U.S.C. § 1915. On June 23, 2020, the Court directed plaintiff to file an amended complaint. (Docket No. 3). In so doing, the Court noted that plaintiff’s complaint was subject to dismissal because it did not contain “a short and plain statement of the claim showing that” he was

entitled to relief. *See* Fed. R. Civ. P. 8(a)(2). Plaintiff was given thirty days in which to file an amended complaint. He was advised that failure to respond would result in the dismissal of this action without prejudice and without further notice.

Discussion

As stated above, on June 23, 2020, the Court ordered plaintiff to file an amended complaint within thirty days. The amended complaint was due on July 23, 2020. In the order, plaintiff was advised that failure to comply with the Court's order would result in the dismissal of this action without prejudice and without further notice.

The deadline for plaintiff to file his amended complaint has expired. Plaintiff has not filed an amended complaint as directed. Further, he has not filed a motion with the Court seeking an extension of time in which to comply. Under Rule 41(b), an action may be dismissed for failure to comply with a court order. *See* Fed. R. Civ. P. 41(b). *See also Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (stating that district court may dismiss a pro se litigant's action for failure to comply with a court order on its own initiative). Because plaintiff has not complied with the Court's order of June 23, 2020, or filed any type of motion seeking an extension of time in which to comply, the Court will dismiss this action without prejudice.

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice for failure to comply with the Court's order of June 23, 2020. *See* Fed. R. Civ. P. 41(b). A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that an appeal from this dismissal would not be taken in good faith.

A handwritten signature in black ink, reading "Ronnie L. White", written over a horizontal line.

RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 27th day of July, 2020.